

APR 30 1991

5RA-14

Ms. Kathy Prosser
Commissioner
Indiana Department of Environmental
Management
105 South Meridian Street
Indianapolis, Indiana 46225-6015

Dear Ms. Prosser:

Under the Superfund Amendments and Reauthorization Act (SARA), the United States Environmental Protection Agency (U. S. EPA) has been mandated to comply with State environmental standards, regulations and laws when selecting remedial actions at Superfund sites. Section 121 of SARA states that remedies should comply with "any promulgated standard, requirement, criteria, or limitation under a State environmental or facility siting law..." Our interpretation of "promulgated" is that which is a law or a regulation and is legally enforceable. Therefore, State advisories, interim guidance or similar nonbinding guidelines cannot be considered as legally required under the law. It should also be noted that under SARA, on-site remedies comply with technical permit requirements, but not with the administrative procedures for obtaining permits.

To facilitate this, we ask the States to provide us with an official notification of standards during the Feasibility Study. At this time, we ask that the State provide us with specific applicable, or relevant and appropriate requirements (ARARs) for the American Chemical Services NPL site in Griffith, Lake County, Indiana.

Two copies of the enclosed draft Feasibility Study were sent by the Remedial Project Manager directly to the State Project Manager and an additional copy sent to the State ARARs Coordinator. This document provides the information necessary for the identification of ARARs.

Section 121 of SARA requires the State to make notice of standards in a timely manner. Therefore, we are asking for an official response by May 31, 1991. Essentially, this process enables the

State to address pertinent issues regarding the preliminary remedial response actions. If a media or process outlined in the document is not addressed we will assume the Federal ARARs are equivalent or more stringent than State standards for that element. Please advise your staff of these requirements.

As always, I appreciate the efforts of your staff in responding to U.S. EPA's requests. Please do not hesitate to contact me if you have questions regarding this matter.

Sincerely yours,

/s/ Original signed by
ROBERT SPRINGER

Valdas V. Adamkus
Regional Administrator

Enclosures

cc: Rudy Thurman, IDEM (w/o enclosure)
Reggie Baker, IDEM (w/o enclosure)
Brad Rutledge, IDEM (w/enclosure)

bcc: ORA
M. Canavan
J. Beck
R. Swale, RPM
Unit/Section Files
L. Murphy, ORC